



Deposition of:
Ricardo Davis

September 29, 2021

In the Matter of:
Curling, Donna v. Raffensperger, Brad

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION
4 DONNA CURLING, et al.,
5 Plaintiffs, CIVIL ACTION FILE
6 vs. NO. 1:17-cv-2989-AT
7 BRAD RAFFENSPERGER, et
8 al.,
9 Defendants.

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11
12 DEPOSITION OF
13 RICARDO DAVIS
14 September 29, 2021
15 9:09 a.m.
16
17 TAKEN BY REMOTE VIDEO CONFERENCE
18 LaRita J. Cormier, RPR, CCR-2578
19
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22
23
24
25

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12 Also present:

13 MARILYN MARKS, Coalition for Good

14 Governance

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1 P R O C E E D I N G S

2 THE REPORTER: Due to the need for this
3 deposition to take place remotely because of the
4 government's order for social distancing, the
5 parties will stipulate that the court reporter may
6 swear in the witness over the Veritext Virtual
7 Videoconference and that the witness has verified
8 that he is in fact Ricardo Davis.

9 MR. JACOUTOT: This will be the deposition
10 of Ricardo Davis, taken by Defendant Secretary of
11 State Brad Raffensperger for the purpose of
12 discovery and all purposes allowed under the Federal
13 Rules of Civil Procedure.

14 Cary, is it all right if all objections
15 except for those going to the form of the question
16 and responsiveness of the answer are reserved until
17 trial or first use of the deposition?

18 MR. ICHTER: Yes.

19 MR. JACOUTOT: Okay. If the court reporter
20 would please swear in the witness.

21 RICARDO DAVIS,
22 having been first duly sworn, was examined and
23 testified as follows:

24 MR. JACOUTOT: And Cary, you're okay with
25 reading and signing afterwards?

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1 MR. ICHTER: Yes, he's going to read and
2 sign.

3 EXAMINATION

4 BY MR. JACOUTOT:

5 Q. Mr. Davis, welcome. Thanks for your time
6 today, I appreciate it. Would you state your full
7 name for the record?

8 A. Ricardo C. Davis.

9 Q. Okay. And are you represented by counsel
10 in this deposition?

11 A. Yes.

12 Q. That's Mr. Ichter?

13 A. That is correct.

14 Q. Okay. Have you ever taken a deposition
15 before?

16 A. Yes, I have.

17 Q. Okay. Some of this will sound a little
18 routine for you, but please remember to speak loudly
19 and clearly as best you can. I know we're on a
20 phone line and on Zoom simultaneously, so we may run
21 into some technical problems. And we'll let you
22 know, the court reporter will let you know if we
23 have any issues hearing you. But please try your
24 best not to talk over me, and I will try my best not
25 to talk over you. And keep your responses verbal

1 rather than just nodding your head or saying uh-huh
2 or huh-uh. The purpose here is not to confuse you
3 in any way, so if I ask you a question that you
4 don't understand, can you agree that you'll let me
5 know?

6 A. Yes, I will.

7 Q. Okay. And you're being asked to testify
8 based on your personal knowledge, so please don't
9 guess or speculate in response to any of my
10 questions. If you don't know, that's a perfectly
11 acceptable answer.

12 A. Understood.

13 Q. Okay. As far as breaks go, whenever you
14 feel you need one, just let me know. The only thing
15 I would ask is if I have a question posed to you and
16 you want to take a break, could you please first
17 answer that question, and then we'll go off and take
18 as long a break as we need. Is that acceptable?

19 A. Yes, it is.

20 Q. Okay. Great. Have you taken any
21 medications that would keep you from fully and
22 truthfully participating today?

23 A. No, I do not.

24 Q. Okay, good. Other than conversations with
25 your attorneys, which I don't want to hear about, as

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1 they're protected by privilege, but other than
2 conversations with your attorneys, what did you do
3 to prepare for today's deposition, if anything?

4 A. Outside of what we discussed, just thinking
5 through all the different aspects of what has
6 happened to date with regard to the case.

7 Q. Okay. And did you look at any documents or
8 electronic documents?

9 A. Prior to today, no, not that I can recall,
10 other than documents that were provided to me by
11 counsel as part of official court records.

12 Q. And you said prior to today, so then today,
13 did you look at any documents?

14 A. The only thing I think I have again that
15 was shown to me was, again, part of the court
16 records.

17 Q. Okay. And what documents were those?

18 A. My voting record.

19 Q. Okay. Do you have any -- did you have that
20 document with you today, or at your disposal, either
21 physical copy or on computer?

22 A. Well, it was transmitted by computer. I
23 don't have it up right now because I don't need it.
24 I have a general idea how I vote.

25 Q. Understood. Did you review the testimony

Page 9

1 of anyone else in this case?

2 A. No.

3 Q. And did you speak to anyone other than your
4 attorney about today's deposition?

5 A. Yes.

6 Q. And who was that?

7 A. That would be Marilyn Marks.

8 Q. Okay. And what did you and Marilyn talk
9 about?

10 A. What we talked about specifically --

11 MR. ICHTER: I think that that is protected
12 from disclosure by a common interest privilege.

13 MR. JACOUTOT: Okay.

14 MR. ICHTER: Ms. Marks is the executive
15 director of the Coalition. He is a member of the
16 Coalition. The Coalition and he are plaintiffs in
17 this case, and I don't think that that's subject to
18 disclosure.

19 MR. JACOUTOT: Okay. Thank you,
20 Mr. Ichter. I'll take note of that.

21 BY MR. JACOUTOT:

22 Q. Mr. Davis, I'm going to direct you to what
23 I'm marking as Defendant's Exhibit 1 in this
24 deposition. Give me one moment.

25 MR. ICHTER: Do you have the Exhibit Share?

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1 Have you accessed that?

2 THE WITNESS: Yes.

3 MR. ICHTER: Okay. Good.

4 (Defendant's Exhibit 1 marked)

5 BY MR. JACOUTOT:

6 Q. Are you sharing your screen?

7 A. Yes. I wanted you to know I have it.

8 Q. All right. I didn't want you to be
9 accidentally sharing your computer screen.

10 This is the notice to take your deposition.
11 Can I just ask if you received this and it looks
12 accurate to you?

13 A. Okay. Almost done. That is correct.

14 Q. I'll just note for the record it states a
15 10:00 a.m. start time, but we moved it to 9:00 a.m.
16 I don't have any questions on that, Mr. Davis, just
17 wanted to get it into the record. Appreciate it.

18 A. All right.

19 Q. Okay. Can you please give me your current
20 address?

21 A. [REDACTED] Woodstock, Georgia.

22 Q. Is that Cherokee County?

23 A. Yes, it is.

24 Q. How long have you lived in Cherokee County?

25 A. We moved here in the summer of 1999.

Page 11

1 Q. Okay. And you mentioned that you had given
2 a deposition before. Have you given any other
3 testimony of any kind in any cases?

4 A. Yes.

5 Q. How many times would you say?

6 A. One.

7 Q. One other time. When was that?

8 A. That would have been 2014-2015 time period
9 with regards to the case that the Constitution Party
10 and the Green Party had against the state.

11 Q. Okay. Do you happen to remember the case
12 style of that, you know, is it Constitution Party
13 versus Secretary of State? Do you recall?

14 A. Not precisely, no.

15 Q. Okay. That's fine. What type of testimony
16 did you give in that case?

17 A. Again, generally questions regarding the
18 matters regarding ballot access.

19 Q. Well, what I mean is, did you give a
20 deposition? Were you put on the stand? Did you
21 give a declaration, all of the above?

22 A. Well, the deposition was taken in person at
23 the Richard B. Russell Building. It wasn't in
24 court, and it was basically in a room.

25 Q. Okay. And other than the deposition, did

Page 12

1 you give any other testimony in that case?

2 A. No.

3 Q. Okay. What --

4 A. When you say any other testimony, you mean
5 testimony in court, testimony in writing?

6 Q. Yeah. I mean, any other types -- so if you
7 gave it in writing as a declaration or an affidavit,
8 that would include that. Or if you were in court,
9 you know, on the stand, on the witness stand being
10 examined by an attorney. So any type of testimony
11 like that.

12 A. Yes to the former and no to the latter.

13 Q. Okay. So you did give a written
14 declaration?

15 A. Yes. There were affidavits provided.

16 Q. Okay. Thank you. Do you recall what the
17 claims in that case involved?

18 A. They focused on equal protection questions.

19 Q. Was it equal protection questions with
20 respect to voting rights?

21 A. Yes.

22 Q. Did that case go to trial?

23 A. If it did, I wasn't present for any of the
24 court proceedings, per se.

25 Q. Okay. Understood. I'm sorry, I cut you

Page 13

1 off. What was that?

2 A. The case has been closed.

3 Q. Okay. Do you recall what the disposition
4 of the case was, how it concluded?

5 A. The federal court ruled in favor of the
6 plaintiffs with regard to the requirement that the
7 State of Georgia has placed with regard to access to
8 the ballot for our presidential candidates.

9 Q. Okay. Have you ever been charged with a
10 crime?

11 A. Yes.

12 Q. Okay. And what -- when was that, about?
13 Or was it -- let me strike that. Yeah, let's start
14 with that. When was that crime? When were you
15 charged with that crime, excuse me?

16 A. That would have been in the mid '80s.

17 Q. And what did the charges involve?

18 A. Trespass.

19 Q. Was that in Georgia?

20 A. No.

21 Q. What state was that in?

22 A. Texas.

23 Q. Texas. Do you know the county?

24 A. Probably Travis County.

25 Q. Okay.

Page 14

1 A. I know it was Travis County.

2 Q. Okay. And for that charge of trespassing,
3 were you convicted?

4 A. No.

5 Q. Were you required to put in a plea in
6 court?

7 A. Yes.

8 Q. And how did you plea?

9 A. Nolo.

10 Q. Nolo? Nolo contendere?

11 A. Correct.

12 Q. Okay. Did you have to serve any time in
13 jail?

14 A. No, other than the little bit of time when
15 I was picked up.

16 Q. Right.

17 A. For the alleged trespass.

18 Q. Okay. All right. Have you ever been
19 charged with any other crimes?

20 A. No.

21 Q. Okay. And beyond getting arrested for the
22 alleged trespass that we just spoke of, have you
23 been arrested for anything else?

24 A. No.

25 Q. Okay. So then never convicted of any other

Page 15

1 crimes; is that correct?

2 A. That is correct.

3 Q. Apart from the case that we spoke about
4 with the Constitution Party, a plaintiff with the
5 Green Party, have you personally ever been a party
6 to any other lawsuits?

7 A. Yes.

8 Q. How many, would you say?

9 A. One that I can recall immediately.

10 Q. Okay. And -- go ahead, I'm sorry.

11 A. One class action that I can recall
12 immediately.

13 Q. Okay. So it was a class action. Were you
14 the lead plaintiff in that, or one of the class
15 members?

16 A. Class member.

17 Q. Okay. And what did that involve?

18 A. It involved an agricultural chemical
19 facility.

20 Q. Do you remember the name of that facility,
21 or the company?

22 A. Oh, that was -- that was, like, early '80s.

23 Q. Okay, that's fine. And then I'm assuming,
24 then, you don't remember sort of the title of the
25 lawsuit or anything like that?

Page 16

1 A. No.

2 Q. Okay. Do you recall how that case
3 resolved?

4 A. No.

5 Q. Okay.

6 A. I do recall that there was some testing
7 because there was the claim of pollution in the
8 environment. But other than that, that's all I
9 remember.

10 Q. Do you remember what state that case was
11 filed in?

12 A. No, I do not.

13 Q. Were you in Georgia at the time?

14 A. No. I was in Texas.

15 Q. Yeah, sorry, yeah, Texas, okay. All right.
16 Did you attend high school?

17 A. Yes.

18 Q. And where was that high school?

19 A. Parkview Senior High, Little Rock,
20 Arkansas.

21 Q. What years, approximately, did you attend?

22 A. '78 to '81.

23 Q. And did you graduate?

24 A. Yeah, with honors.

25 Q. Thanks a lot. Did you attend college

Page 17

1 afterwards?

2 A. Yes.

3 Q. Where was that?

4 A. Undergraduate at the University of
5 Arkansas, graduate at Texas A&M University.

6 Q. Excellent. What did you earn your
7 undergraduate degree in?

8 A. Chemistry, with a minor in computer
9 science.

10 Q. Okay. Tough major definitely. What years
11 were you at University of Arkansas?

12 A. From 1981 to 1986.

13 Q. And you went to grad school, so I'm
14 assuming you graduated. What did you go to graduate
15 school for?

16 A. Chemistry.

17 Q. Anything in particular, any specific side
18 of chemistry, or concentration?

19 A. Yes. My concentration was in analytical
20 chemistry.

21 Q. And what does that entail?

22 A. Well, the branch of analytical chemistry
23 entailed, as the name would suggest, the specific
24 analysis made to determine what the investigator is
25 trying to discern with regard to a particular

Page 18

1 problem in chemistry.

2 Q. Okay. And when you say "investigator," are
3 you using that term as sort of a profession, like,
4 did it focus on how criminal investigations involve
5 chemistry or how a chemist is investigating a
6 particular, you know, chemistry problem?

7 A. The latter.

8 Q. Okay. And you might have already said
9 this, but when did you or did you graduate in the
10 chemistry graduate program?

11 A. Yes. I graduated in 1990.

12 Q. 1990. Did you go straight from undergrad
13 in '86 to grad school, or did you take some time off
14 in between?

15 A. Oh, I -- I went directly to.

16 Q. Okay. As a master's degree or Ph.D.?

17 A. I received a master's degree.

18 Q. Okay. Anything beyond that master's degree
19 in terms of educational training?

20 A. No.

21 Q. Okay. Any licenses or certifications that
22 you might have?

23 A. No.

24 Q. Okay. And any other education that you --
25 that you have beyond what you told me?

Page 19

1 A. No formal education, no.

2 Q. Okay. So do you have any education in
3 election law or voting rights of any kind?

4 A. No.

5 Q. Okay. Have you ever worked at a polling
6 place?

7 A. Yes.

8 Q. Were you a poll worker, poll manager, poll
9 monitor?

10 A. I have served as a poll worker.

11 Q. Okay. Have you ever served as a poll
12 manager?

13 A. I have not.

14 Q. Okay. Did you receive any training as a
15 result of your work as a poll worker?

16 A. Of course.

17 Q. And who did you receive that training from?
18 Do you recall?

19 A. That would be the board of elections in
20 Cherokee County.

21 Q. And when did you serve as a poll worker?

22 A. I don't recall the particular election, but
23 it was in the early 2000s.

24 Q. Okay. Was it just one election that you
25 served as a poll worker?

Page 20

1 A. Yeah, or one election cycle, yes.

2 Q. One election cycle? Okay. Did you ever
3 receive any training in casting absentee ballots?

4 A. Clarify the question. Was this in regard
5 to the processing of the ballots, the casting of the
6 ballots?

7 Q. Yeah. Have you ever received any training
8 in regards to the casting of the absentee ballots?

9 A. I don't recall any specific training.

10 Q. Okay. So I'm going to go over to our
11 Exhibit Share again, introduce another exhibit for
12 you.

13 (Defendant's Exhibit 2 marked)

14 A. Okay.

15 BY MR. JACOUTOT:

16 Q. Okay. This here I've just shown you is
17 being marked defense Exhibit 2. It's your
18 declaration that you filed on, if you look here at
19 the top it says October 23rd, 2019, Document No.
20 640-1. Do you see that?

21 A. Yes.

22 Q. Okay. Thank you. I can direct you to the
23 second page here, paragraph 6. It starts with, "As
24 an information technology professional, I understand
25 that Georgia BMDs are hackable." Do you see that?

Page 21

1 A. Yes.

2 Q. So what type of IT professional are you?
3 What is your -- what's your current role? Let's
4 start with that. What's your current role, if any,
5 in the IT industry?

6 A. Okay. My current title is senior
7 integration analyst.

8 Q. How long have you -- I'm sorry, say that
9 again?

10 A. The work is in the healthcare setting.

11 Q. And how long have you been in information
12 technology?

13 A. Since 1995.

14 Q. Okay. So that would have been about five
15 years after you graduated from Texas A&M in
16 chemistry. What did you do in that intervening five
17 years between graduating from Texas A&M and
18 beginning your information technology role?

19 A. I worked as a research scientist for
20 Westinghouse.

21 Q. Okay. And what years was your -- what
22 years were you at Westinghouse?

23 A. From 1990 through roughly 1994.

24 Q. Okay. And what did that job entail as a
25 research scientist?

Page 22

1 A. I was a chemical process modeler. I won't
2 go into the weeds with you, but essentially what me
3 and my colleague did was we created models of
4 chemical processes on plants which involved not only
5 computational chemistry but also visualization.

6 Q. Okay. Might be getting over my head
7 already, but I appreciate that. And so then after
8 your time at Westinghouse, you got into information
9 technology; is that correct?

10 A. That is correct.

11 Q. Okay. And let's just kind of go through
12 your career in IT. When did you begin -- what job
13 did you begin at in 1995?

14 A. I was a help desk agent with Hewlett
15 Packard as a contractor.

16 Q. Okay. And what years did you do that for?

17 A. I believe about a year and a half.

18 Q. After that, did you stay in IT?

19 A. Oh, yes.

20 Q. And what was your next position?

21 A. From there, I was a developer with --
22 again, on a contract basis -- with AT&T.

23 Q. As a developer, what sort of job duties did
24 you have?

25 A. These were primarily web design and web

Page 23

1 application development projects.

2 Q. Okay. How long did you do that for?

3 A. Again, that was about year and a half.

4 Q. Year and a half? So would you say you
5 finished this role around 1999?

6 A. Probably sooner.

7 Q. So 1998 then?

8 A. Yeah. You know what, though, now that
9 you -- I believe -- I will refer counsel to my
10 LinkedIn page, which I believe have many of the
11 details that you're inquiring about.

12 Q. Okay.

13 A. And I will defer to that resource for the
14 specifics in terms of dates and times.

15 Q. Dates and times, okay. Do you have any
16 reason to think that anything on your LinkedIn page
17 would be inaccurate?

18 A. No, I don't.

19 Q. Okay.

20 A. I will say one comment, in that in terms of
21 my recent employment with Common Spirit Health, it
22 is not up to date.

23 Q. Okay. And how long have you been with
24 Common Spirit Health?

25 A. As an employee, since December 30th, 2020.

Page 24

1 Q. Were you a contractor before that?

2 A. Yes.

3 Q. When did you start as a contractor with
4 them?

5 A. 2015.

6 Q. 2015? And when you say you're a
7 contractor, are you hired individually or do you
8 work with maybe a temporary staffing company or a
9 contract based staffing company that sort of you're
10 on their payroll and then you work with other
11 employers through that staffing company?

12 A. Close. I was a subcontractor.

13 Q. Okay.

14 A. To the firm Matrix Resources.

15 Q. Okay. So you were a subcontractor for
16 Matrix Resources, which is a staffing firm; is that
17 correct?

18 A. Correct.

19 Q. Okay. And through your subcontracting at
20 Matrix Resources, you were placed at -- I'm sorry,
21 could you say that name again? Was it --

22 A. Common Spirit Health.

23 Q. Common Spirit Health.

24 A. At the time of the hire, the organization
25 was known as Dignity Health.

Page 25

1 Q. And what have you done -- what's your job
2 duties, your job role when you were a subcontractor
3 for Matrix Resources at Common Spirit?

4 A. Common Spirit, Common Spirit Health. Thank
5 you.

6 Q. What were your job duties while you were
7 there?

8 A. Well, since I'm still there and still doing
9 the same thing.

10 Q. Well, so -- sorry to interrupt you, but
11 just to make sure my question is clear, what were
12 your job duties at Common Spirit Health while you
13 were a subcontractor through Matrix Resources?

14 A. And to answer the question, they are the
15 same as my current duties, which are enterprise
16 application data integration between systems.

17 Q. Okay. What is -- what does that entail, at
18 a high level?

19 A. At a pedestrian level?

20 Q. Sure.

21 A. When you walk into, let's say you go in to
22 get an x-ray, you walk into the clinic. They
23 register you on their electronic health records
24 system. You walk back to the room where the x-ray
25 machine is, and the technician pulls your

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1 information up on the particular x-ray system. My
2 job is to make sure that that data from the
3 registration system gets to the x-ray system. That,
4 at a very high level, is part of the work of the
5 integration analyst.

6 Q. Okay. That helps. Thank you.

7 A. You're welcome.

8 Q. So then I think it's fair to say you've
9 been in IT since, I believe I have '95 on here, but
10 you've been trained -- I think it's fair to say
11 you've been trained to a certain degree and have
12 education related to computers; is that right?

13 A. I've been around the block for a while,
14 yes.

15 Q. Okay. Do you do any -- do you have any
16 experience with the hardware side of computers,
17 constructing hardware, deconstructing it, anything
18 like that?

19 A. Some.

20 Q. Is any of that experience through your job
21 as an IT professional or is it more of a hobby?

22 A. Some. Especially in my early days.

23 Q. Okay.

24 A. It was part of, you know, if you're doing
25 help desk work, you have to know something of the

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1 hardware for which people are calling and asking
2 questions.

3 Q. And you said kind of towards the beginning
4 of your IT career. Would you say you worked
5 professionally with any -- you know, understanding
6 hardware and being able to field questions about
7 that hardware, you know, after 2005 or so?

8 A. After 2005, my -- my involvement in
9 day-to-day hardware troubleshooting was minimal.

10 Q. Okay. Now you say it was minimal. Did you
11 do any day-to-day hardware troubleshooting after
12 2005 at all, that you can recall?

13 A. Some, but not much.

14 Q. Can you describe to me what type of work
15 you would do in those limited circumstances?

16 A. Those limited circumstances, it would be
17 what I would consider isolation of problems. So for
18 example, it's my responsibility, if I am testing a
19 data integration, if a network card was faulty, my
20 level of knowledge would have to determine okay, is
21 the problem one at the network layer, that is
22 whether or not the card was malfunctioning, or
23 there's a greater software issue involved, or
24 whether there was a transport involved, i.e., I have
25 a bad data connection.

1 Q. Uh-huh. Okay.

2 A. That level of troubleshooting continues to
3 this day. Like I said, it's minimal, but it's
4 something that I have to deal with on occasion
5 regularly.

6 Q. Okay. So do you have any training or
7 education related to computer hacking or the
8 insertion of malware into the computer system or
9 voting machine?

10 A. I do not.

11 Q. Okay. Any training or education concerning
12 the operation or functioning of direct recording
13 electronic voting machines that are commonly
14 referred to as DREs?

15 A. No formal training.

16 Q. Okay. Any training or education concerning
17 the operation or functioning of ballot marking
18 devices, more commonly referred to as BMDs?

19 A. Again, no formal training.

20 Q. What type of informal training do you have?

21 A. Primarily reading specs and monographs
22 regarding said system.

23 Q. Okay. Have you ever physically examined a
24 ballot marking device?

25 A. Clarifying question, is this examination as

Page 29

1 of visual inspection? Is it examining operating
2 characteristics of the --

3 Q. Sure. Let's start with visual inspection.
4 Have you ever visually inspected a ballot marking
5 device?

6 A. Oh, yes.

7 Q. And you did that in person or through
8 pictures?

9 A. In person.

10 Q. When was that?

11 A. The last I can recall is November 3rd,
12 2020.

13 Q. Is that when you were voting?

14 A. That was when I was poll watching.

15 Q. Poll watching, okay. Have you ever voted
16 on a ballot marking device?

17 A. No.

18 Q. Okay. So beyond the visual inspection
19 while you were poll watching on November 3rd, is
20 that -- I'm sorry, did I get that wrong? You said
21 you were poll watching on November 3rd; right?

22 A. That's correct.

23 Q. And so you sort of -- when you say you
24 visually inspected a BMD, did you look to determine
25 how it operated or did you just see them in the

Page 30

1 room?

2 A. I saw them in the room. I saw them being
3 used.

4 Q. Okay. And did you ever open up any of the
5 components on the BMD and tinker with them?

6 A. That would be prohibited during that
7 particular role.

8 Q. Okay. So that would be a no, then?

9 A. Yes.

10 Q. Okay. Good. Now would you count
11 visualizing and seeing them in the election room or
12 your poll watching, would you count that among your
13 informal training of BMDs?

14 A. Yes.

15 Q. Okay. Any other informal training that you
16 have with BMDs, that you can think of?

17 A. Again, other than self-paced learning and
18 reading, no.

19 Q. Okay. What sort of stuff did you read
20 about BMDs?

21 A. Well, just stuff on the Internet.

22 Q. Have you read any of the reports, the
23 expert reports filed in this case about BMDs?

24 A. I don't recall offhand.

25 Q. Okay. Would you say your reading, then,

Page 31

1 was more limited to general Internet websites?

2 A. My phone dropped. Hang on.

3 Q. Okay.

4 A. We're back.

5 MR. JACOUTOT: If the court reporter would
6 read the last question back.

7 (The reporter read the requested material.)

8 BY MR. JACOUTOT:

9 Q. I can rephrase that, Mr. Davis, if it
10 helps.

11 A. I can respond. My reading was limited to
12 reports and documents that were retrieved over the
13 Internet.

14 Q. Okay. And would you say that it then did
15 not include the -- the docket for this case, some of
16 the reports are online as well. So that's why I'm
17 asking, trying to determine whether you read it from
18 your -- from an expert report from this case,
19 specifically from the online docket, or if it was
20 more from, you know, a website unrelated to this
21 court system, the federal court system.

22 A. Hmm. I can't say for sure whether or not I
23 did or not.

24 Q. Okay. That's fine. So apart from the, you
25 know, time you spent in the polling place, you know,

Page 32

1 observing BMDs and the reading that you've done from
2 online sources, do you have any other informal
3 education about them?

4 A. The only thing I can probably ask of that
5 is watching other experts' testimony regarding their
6 systems.

7 Q. Okay. And what expert testimony did you
8 watch regarding the BMDs?

9 A. I believe Dr. Halderman in particular comes
10 to mind, but that's the only one I can think of
11 right offhand.

12 Q. Okay. And when did you observe
13 Dr. Halderman testifying about BMDs?

14 A. I don't recall.

15 Q. Okay. Do you recall if it was -- your
16 observing of Dr. Halderman, do you recall if it was
17 related to this particular case?

18 A. I don't recall.

19 Q. Okay. Do y'all mind if we take a break
20 'til 10:05?

21 A. A break would be very much appreciated.

22 Q. Excellent. Let's go ahead and do that.

23 (Recess 9:58 to 10:09 a.m.)

24 A. Well, when we were asking questions about
25 my various legal past and legal involvement, I did

Page 33

1 mention the Constitution Party and Green Party case.
2 But I failed to remember, like you remember your
3 victories and forget your defeats. I was a
4 plaintiff of an unverifiable voting challenge.

5 BY MR. JACOUTOT:

6 Q. Okay.

7 A. That was while Cathy Cox was still
8 Secretary of State, which would have been early
9 2000s. Garland Favorito was a plaintiff in that
10 case as well. And that wound its way through court
11 and got all the way to the state supreme court, and
12 we lost.

13 Q. Okay. Thank you for that. Appreciate
14 that. You said it was an unverifiable voting
15 challenge. Was it a challenge to the DREs
16 specifically?

17 A. Yes.

18 Q. And you said it was early -- yeah, Cathy
19 Cox, I believe she was -- I'm not going to say when
20 she was, I'm not a hundred percent accurate, but
21 early 2000s, pre-2010, obviously; right?

22 A. Yes. If I remember correctly, that was --
23 I think early 2000s would have been, you know,
24 2005ish.

25 Q. Uh-huh. Okay. And you were the plaintiff

Page 34

1 along with Garland Favorito. Were there any other
2 plaintiffs?

3 A. Oh, yeah, there were quite a few. I don't
4 remember their names.

5 Q. Okay. And you said it made it to the
6 Supreme Court and you lost at the Supreme Court of
7 Georgia?

8 A. Yes.

9 Q. Do you recall when that ruling was, what
10 year?

11 A. No.

12 Q. Okay. What did you specifically challenge
13 in that case about the DREs?

14 A. I'm going to -- since I know this was one
15 of the cases involving Garland Favorito, I will
16 defer to the specific record on voterga.org for the
17 details of that question.

18 Q. Okay.

19 A. But generally, what we were dealing with
20 was the fact that there was no independently
21 verifiable means to validate a voter's intent.

22 Q. Okay. That's perfect. That's all I need.
23 I appreciate it.

24 A. Uh-huh.

25 Q. Mr. Davis, earlier in your deposition you

Page 35

1 referred me to your LinkedIn, sort of a better job
2 history, and you verified that you don't believe
3 there's anything inaccurate in that LinkedIn to your
4 knowledge; is that right?

5 A. That is correct.

6 Q. The one question I would ask specifically
7 then is, do you have any employment -- any
8 employment history ever previously worked at an
9 organization that is related to voting or elections
10 specifically?

11 A. No.

12 Q. Okay. Perfect, thank you.

13 A. Question, clarifying question.

14 Q. Sure.

15 A. Voting or elections. Do you mean, like,
16 working for a company like Dominion as a contractor?
17 Is that what you're referring to?

18 Q. Yeah. And we'll -- I certainly would be
19 referring to that, and sort of broadly speaking, if
20 any company dealt specifically with elections or
21 voting as a part of their overall organizational
22 mission.

23 A. No, never worked for a company doing that
24 kind of work.

25 Q. Okay. And so you have voted on the DRE

Page 36

1 machines previously; right?

2 A. Yes.

3 Q. Do you recall when the last time was that
4 you voted on a DRE?

5 A. No.

6 Q. And I think you may have answered this
7 already, but you never voted on a BMD, correct, the
8 new voting system that we have in Georgia?

9 A. Correct.

10 Q. Okay. Now you are chairman of the Georgia
11 Constitution Party; is that correct?

12 A. That's correct.

13 Q. Are you a member of any other voting rights
14 or advocacy groups apart from the plaintiffs in this
15 case?

16 A. That would be Voters Organized for Trusted
17 Election Results in Georgia.

18 Q. Okay. So that's VOTER GA?

19 A. Correct.

20 Q. Okay. And what's your -- are you a member
21 of VOTER GA, or are you a leader, in a leadership
22 role with VOTER GA?

23 A. Both.

24 Q. Okay. What's your leadership role in VOTER
25 GA?

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1 A. I am -- let's just say, how can I put this,
2 I assist Mr. Favorito and others as a volunteer
3 leader with regard to IT-related matters.

4 Q. Okay. Do you have a formal title at VOTER
5 GA?

6 A. Well, Mr. Favorito calls me cofounder, but
7 that's pretty much the extent of it.

8 Q. Okay.

9 A. I guess I volunteer, since the beginning.

10 Q. Okay, that is good. All right. Any other
11 membership in any voting rights or advocacy groups?

12 A. No other formal membership now.

13 Q. Okay. When did you -- now you are a member
14 of the Georgia Coalition for Good Governance; right?

15 A. Yes.

16 Q. And when did you join that organization?

17 A. Oh, that would have been late 2010 time
18 frame. Like VOTER GA, there's no official
19 membership process. So...

20 Q. Late 2010 is sort of when you started
21 volunteering for Coalition for Good Governance?

22 A. Yes.

23 Q. Okay. When you started, was it in your
24 individual capacity or in your capacity as chair of
25 the Constitution Party of Georgia?

1 A. Both.

2 Q. Okay. What sort of work do you do,
3 volunteer work do you do for the Coalition for Good
4 Governance?

5 A. One example would be to provide assistance
6 with elections monitoring.

7 Q. Anything else?

8 A. Clarify the question.

9 Q. Sure. Apart from election monitoring
10 assistance that you provide for Coalition for Good
11 Governance in the course of your volunteer work, do
12 you provide any other work for the Coalition for
13 Good Governance?

14 A. Primarily in the way of what I call
15 education. For example, the party posts an election
16 integrity update briefing on a regular basis, and I
17 invite members from the Coalition for Good
18 Governance to speak to various issues to the
19 constituency, many of whom are part of the
20 Constitution Party.

21 Q. So when you say "education," you invite the
22 Coalition for Good Governance to educate members of
23 the Constitution Party?

24 A. Members and supporters.

25 Q. Members and supporters, okay. Would it be

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1 fair to say that the primary goal of your work with
2 the Coalition for Good Governance is to make voting
3 by paper ballot a reality in Georgia?

4 A. Restate the beginning of that question,
5 please.

6 Q. Sure. Would it be fair to say -- strike
7 that. I'll just restate the whole question,
8 including the beginning, so there's no confusion.

9 Would it be fair to say that your primary
10 goal of your work with the Coalition for Good
11 Governance is to make voting by paper ballot a
12 reality in Georgia?

13 A. No.

14 Q. How would you characterize your primary
15 goal in working with the Coalition for Good
16 Governance?

17 A. I would characterize the primary goal of
18 the relationship in being restoring constitutional
19 legal transparent elections in the state of Georgia,
20 of which the specific item that you mentioned is
21 part of that.

22 Q. Okay. So to make sure I understand your
23 response correctly, the primary goal of your work
24 with CGG is to make sure that there are
25 constitutional legal transparent elections in

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1 Georgia, and using paper ballots in elections would
2 achieve that goal; is that correct?

3 A. That would be part of achieving that goal.

4 Q. Are elections by paper ballots the only way
5 to achieve that goal? And I'll rephrase that
6 question, so we can strike that. You don't have to
7 answer it.

8 Are elections by paper ballot the only way
9 to achieve constitutional elections in Georgia, to
10 your knowledge?

11 A. No, no.

12 Q. Okay. As a plaintiff in this case, is it
13 fair to say that you're familiar with the claims in
14 this case?

15 A. Generally, yes.

16 Q. Okay. And apart from the claims in this
17 case, are there any other claims that you plan on
18 making that have not yet been made?

19 A. No.

20 Q. Okay. Now you voted in numerous elections;
21 correct?

22 A. Yes.

23 Q. Do you have any evidence that any of the
24 votes that you cast in any Georgia election were not
25 counted?

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1 A. Is counsel asking if I have any knowledge
2 that my ballot cast was not counted?

3 Q. That is the question.

4 A. I am not aware.

5 Q. Okay. Do you have any evidence that any
6 votes that you have cast in Georgia have ever been
7 changed from the selection that you made?

8 A. No.

9 Q. Do you have evidence that any DREs in any
10 election in Georgia has ever actually been hacked?

11 A. Define hacked.

12 Q. Manipulated in such a way as to change the
13 outcome of the voter selection.

14 A. Are you referring to the physical hardware,
15 or are you talking about the data?

16 Q. I'm referring to the voter selection, so
17 I'll rephrase the question. Do you have any
18 evidence that any DRE used in any election in
19 Georgia has ever been actually manipulated by a
20 third party and, as a result of that manipulation,
21 changed a selection to a different selection than
22 that was selected by the voter?

23 A. Yes.

24 Q. What evidence do you have in that regard?

25 A. I personally have no evidence. However, I

Page 42

1 am aware of cases that have come before the state
2 election committee when it says activity was in
3 question.

4 Q. So you're not referring, as you said, to
5 any personal evidence that you possess, you're only
6 referring to cases that have gone before the state
7 election committee and alleged that they have been
8 hacked and that their votes were changed?

9 A. Correct.

10 Q. Do you have any evidence that a BMD used in
11 any election in Georgia has been hacked? And I'll
12 represent to you that we can use the same definition
13 for hacked for all of these that I just provided to
14 you.

15 A. I am not aware, period.

16 Q. Understood. So when you say you're not
17 aware, I'm not really asking that. I'm asking if
18 you have any evidence that BMD used in any election
19 in Georgia was hacked.

20 A. I do not.

21 Q. Okay. Do you have any evidence that
22 malware was inserted in any voting machine in
23 Georgia since 2019?

24 A. I do not have said evidence.

25 Q. Okay. And now this question sounds very

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1 similar, but there's a slight difference. And I can
2 point it out to you if you would like, but do you
3 have any evidence that malware was inserted into any
4 BMD used in an election in Georgia since 2019?

5 A. I do not.

6 Q. Okay. Now you mentioned that you've never
7 voted on a BMD; is that correct?

8 A. That's correct.

9 Q. Do you have any plans to vote on a BMD in
10 the future?

11 A. No.

12 Q. Okay.

13 A. Clarifying point.

14 Q. Sure.

15 A. I do not under the current election
16 framework in the state of Georgia.

17 Q. Okay. Now is it -- is it fair to say that
18 the reason why you don't have any plans to vote on a
19 BMD in the future is your concern that it will not
20 be accurately tabulated?

21 A. My concern is that there's a lack of
22 integrity by audit to independently verify that such
23 is the case.

24 Q. So your concern deals exclusively with the
25 fact that you believe that there's not a sufficient

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1 mechanism under the current election system to
2 independently validate your vote?

3 A. If I exclusively cast my ballot using the
4 BMD, that is correct.

5 Q. Okay. Now because of your concerns with
6 respect to the BMDs, you've chosen to vote by mail;
7 is that correct?

8 A. Yes.

9 Q. Okay. And these concerns that you have
10 with the BMDs and their ability to be audited
11 independently, do you have these same concerns with
12 respect to all votes or just your vote specifically?

13 A. Clarifying question. When you say my vote,
14 are you referring to the manner in which I vote or
15 are you referring to me as an individual citizen
16 voting?

17 Q. Yeah, I'll try and rephrase. You are
18 concerned that if you were to vote on a BMD, that it
19 would not -- that it has the potential to not be
20 accurately cast; is that correct?

21 A. That is a concern, yes.

22 Q. Okay. And then another concern that you
23 have is that if you were to cast a vote on the BMD,
24 there's no way, to your mind, that you could audit
25 the integrity of that vote after the fact; correct?

Page 45

1 A. No, I would not agree. I would say that
2 the current processes and procedures are
3 insufficient.

4 Q. Okay. So then your concern, an additional
5 concern that you have to voting on a BMD is the
6 current processes for auditing the integrity of the
7 votes cast are not sufficient to verify that
8 integrity; is that right?

9 A. Yes.

10 Q. Okay. And now is that concern equally
11 valid to anyone else who casts a ballot -- casts
12 their vote on a BMD? Do they -- does their casting
13 of the vote on a BMD trigger the same concerns in
14 you that we just spoke of with respect to your vote?

15 MR. ICHTER: Objection. Speculation. But
16 he can answer.

17 A. Well, I -- I'm not clear as to I guess the
18 congruity of the subject. In other words, are you
19 asking me if everybody else has the same concern as
20 I do?

21 BY MR. JACOUTOT:

22 Q. No. I'm asking whether you have the same
23 concern with respect to every other voter on a BMD
24 that you have with yourself.

25 A. With regard to the aspect of auditability,

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1 I'm not sure.

2 Q. Okay. So if -- now we've established what
3 your -- you have two concerns. Do you have any
4 other concerns about casting a vote on BMD other
5 than the ones we discussed?

6 A. Yes.

7 Q. Okay. What other concerns do you have with
8 respect to voting on a BMD?

9 A. One would be the ability to verify whether
10 the BMD has captured my intent.

11 Q. Uh-huh.

12 A. Another would be the secrecy of my casting
13 a ballot, which -- well, I'll just leave it.
14 Those -- those would be two that I could just start
15 with right there.

16 Q. Well, you are a plaintiff in this case; I'd
17 like to know exactly how you feel -- exactly what
18 your concerns are with respect to voting on a BMD,
19 and not just examples, but I'd like to get through
20 all of them, if we could.

21 A. Okay. Do you have any specific questions
22 regarding the two that I just mentioned?

23 Q. Not at this moment, no.

24 A. Okay. I mean, what I specified so far
25 would be at a high level the primary concern.

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1 Q. Are there any other concerns that you can
2 think of sitting here today?

3 A. Not at the moment.

4 Q. Okay. Thank you.

5 A. Or they would be derivative.

6 Q. Okay. Those concerns that you listed and
7 any derivative concerns that sort of extend
8 therefrom, do you have those same concerns with
9 respect to any voter voting on a BMD or only with
10 respect to yourself?

11 A. Oh, no, there would be some specific issues
12 or concerns that would separate me from the general
13 voter population.

14 Q. Okay. And what might those be?

15 A. With regard to secrecy of the ballot, being
16 a member of a -- and I'll put it lightly -- an
17 opposition party, secrecy of the ballot would be a
18 major concern.

19 Q. Okay. Okay. So is it your testimony that
20 members of the Constitution Party have a greater
21 interest in maintaining the secrecy of their voting
22 ballot than other Georgia voters?

23 A. Perhaps. I'll say that unlike the
24 membership of the party, a -- an executive of the
25 party, a leader of the party has a different stake

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1 in the game as opposed to a general member of the
2 party.

3 Q. Okay. So then I just want to clarify this.
4 So then is it your testimony that leaders of
5 political parties have a greater interest in
6 maintaining the secrecy of their ballot over those
7 who are not leaders of political parties in Georgia?

8 A. No. I would say that leaders of a
9 political organization not recognized by state law
10 as a political party do have said interest.

11 Q. Do have -- I'm sorry, I missed -- before
12 you said "interest," do have what?

13 A. They have the particular problem, the
14 particular interest.

15 Q. Right, particular interest.

16 A. With regard to protecting the secrecy of
17 their ballot.

18 Q. My question isn't whether they have a
19 particular interest in ballot secrecy but whether it
20 has a greater interest than other Georgia voters.

21 A. Yes.

22 Q. Okay. Anything else that might separate
23 your vote as having a greater interest in ballot
24 secrecy than others?

25 A. I can't think of additional at the moment.

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1 Q. Okay. Would you say that it's easier to
2 verify the accuracy of a vote on a BMD for other
3 Georgia voters than it is to verify the accuracy of
4 your vote on a BMD?

5 A. By what standard -- well, what do you mean
6 by verify accuracy?

7 Q. You said that -- your first concern that
8 you listed with respect to voting on a BMD was the
9 ability to verify whether the BMD captured your
10 intent as a voter; is that correct?

11 A. Yeah.

12 Q. So would you say that it is easier for it
13 to verify whether a BMD captured the intent of
14 another Georgia voter who voted on a BMD than it is
15 for someone to verify that the BMD captured your
16 intent as a voter if you voted on a BMD?

17 A. I guess I'm not understanding the question
18 very well. My apology.

19 Q. No, no, not your fault. I'll try and
20 rephrase. So it's your concern that a BMD -- strike
21 that.

22 So if it's your concern that it's -- strike
23 that again.

24 Your concern is, among your concerns is the
25 ability to verify whether a BMD captured your intent

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1 as a voter, is it difficult for you -- if you're
2 concerned about the BMD capturing your intent, would
3 you also be concerned about a BMD being able to
4 capture the intent of another voter in Georgia?

5 A. No.

6 Q. Okay.

7 A. Because of my political standing, I believe
8 that there would be concerns.

9 Q. I missed that part right before "concerns"
10 you said.

11 A. Because of my standing compared to the rest
12 of the voter population, I would have specific
13 concerns.

14 Q. Okay, okay. Now you mentioned earlier that
15 you observed testimony of Dr. Halderman; is that
16 correct?

17 A. Yes.

18 Q. Okay. Has anyone explained to you what is
19 contained in Dr. Halderman's report on the Georgia
20 Dominion Voting System?

21 A. I don't recall any detailed explanation
22 what was in his -- what he submitted to the court.

23 Q. Okay. Do you believe the results of the
24 presidential election held on November 3rd, 2020, in
25 Georgia are valid?

1 MR. ICHTER: What do you mean by valid?

2 BY MR. JACOUTOT:

3 Q. Valid as in accurately reflect the intent
4 of the voters.

5 A. How would you know?

6 Q. Well, you can tell me whether you believe
7 that it's valid or not, so I'll pose the same
8 question to you again. Do you believe the results
9 of the presidential election held on November 3rd,
10 2020, in Georgia are valid?

11 A. I don't know.

12 Q. Do you have any reason to believe that the
13 results of the presidential election held on
14 November 3rd, 2020, in Georgia are invalid?

15 A. I don't know.

16 Q. Okay. Do you believe the results of any of
17 the other elections held on November 3rd, 2020, in
18 Georgia are valid?

19 A. Again, I don't know.

20 Q. Okay. Do you have any evidence that any
21 component of the Georgia election system was
22 actually hacked prior to or during the elections
23 held on November 3rd, 2020?

24 A. State the question one more time, please.

25 Q. Sure. Do you have any evidence that any

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1 component of the Georgia election system was
2 actually hacked prior to or during the elections
3 held on November 3rd, 2020?

4 MR. ICHTER: Would that include the KFC
5 computers?

6 MR. JACOUTOT: I'm just going to object as
7 to not coach the witness on the question.

8 MR. ICHTER: Not coaching. I'm just asking
9 whether or not it's included. Is that part of the
10 system?

11 MR. JACOUTOT: The election system -- let
12 me ask the witness.

13 BY MR. JACOUTOT:

14 Q. How would you describe your understanding
15 of what Georgia's election system is, Mr. Davis?

16 A. Okay. When we speak of election system,
17 we're talking about all components, whether they be
18 the electronic hardware, whether we're talking about
19 the software, are we talking about the data,
20 including any communication networks connecting
21 components of the system.

22 Q. Okay.

23 A. When I refer to election system, that's
24 what I have in mind.

25 Q. Okay. That's great. Let's go with that

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1 definition. So do you have any evidence that any
2 component of the Georgia election system was
3 actually hacked prior to or during the elections
4 held on November 3rd, 2020?

5 A. I personally have no evidence.

6 Q. Okay. Do you have any -- and keeping with
7 that election system definition, do you have any
8 evidence that any malware was actually inserted into
9 any component of the Georgia election system or
10 prior to or during the elections held on November
11 3rd, 2020?

12 A. I personally have no evidence.

13 Q. Okay. Do you have any evidence that the
14 result of any elections held in Georgia on November
15 3rd, 2020, were actually changed in any way as a
16 result of hacking or the insertion of malware into
17 any component of the election system?

18 A. I personally have no evidence.

19 Q. Okay. Do you have any evidence of any
20 widespread voter fraud in Georgia in connection with
21 the elections held on November 3rd, 2020?

22 A. State the question one more time, please.

23 Q. Sure. Do you have any evidence of any
24 widespread voter fraud in Georgia in connection with
25 the elections held in Georgia on November 3rd, 2020?

Page 54

1 A. I personally have no evidence.

2 Q. Do you have any evidence that the election
3 system in Georgia failed to count any legal votes
4 cast on November 3rd, 2020?

5 A. No, I personally have no evidence.

6 Q. Okay. Do you have any evidence that the
7 election system counted any illegal votes on
8 November 3rd, 2020 -- or excuse me, that's phrased
9 improperly. Let me ask that again.

10 Do you have any evidence that the election
11 system counted any illegal votes in the election
12 held on November 3rd, 2020, in Georgia?

13 A. Clarifying question. So when you say the
14 election system, you're referring to a valid ballot
15 being cast and not recorded correctly?

16 Q. No. So in this situation, I'm asking
17 whether an invalid ballot was cast and recorded as a
18 valid ballot.

19 A. Okay.

20 Q. And so I'll phrase it that way for the
21 record so it comes out cleaner. Do you have any
22 evidence that the election system counted any
23 invalid ballots cast on the November 3rd, 2020,
24 election and were recorded as valid ballots?

25 A. I have no such evidence.

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1 Q. Okay. You are not contesting the outcome
2 of the presidential election held in Georgia on
3 November 3rd, 2020, in this case; is that correct?

4 A. That is correct.

5 Q. And you're not contesting the outcome of
6 any of the other elections held in Georgia on
7 November 3rd, 2020, in this case; is that correct?

8 A. That is correct.

9 Q. Okay. Now you stated earlier that one of
10 your concerns, and correct me if I'm wrong, one of
11 your concerns is the inability, the purported
12 inability to match QR codes with the paper human
13 readable portion, is that correct, about BMDs?

14 A. That would be one concern, yes.

15 Q. Okay. Do you have any evidence that there
16 was any mismatch between the QR codes on the paper
17 ballots cast in the presidential election held in
18 Georgia on November 3rd, 2020, and the human
19 readable portion of the paper ballot?

20 A. I have no personal evidence.

21 Q. Okay. And that's true for all of the
22 elections, not just the presidential election on
23 November 3rd; right?

24 A. Correct.

25 Q. Okay. Have you made any written statements

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1 to any members of the press concerning this case or
2 your allegations in this case?

3 A. I do not recall making any statements to
4 the press.

5 Q. Have you made any written statements to a
6 political party or voter advocacy group concerning
7 this case or your allegations in this case?

8 A. Yes.

9 Q. Which political parties?

10 A. Well, to mine.

11 Q. Makes sense. Any others, though?

12 A. No.

13 Q. Okay. And how many times have you made
14 statements to your political party concerning the
15 case or the allegations in this case?

16 A. I don't have an exact number for you there.

17 Q. Would you say more than five?

18 A. Perhaps.

19 Q. Okay. And we've asked this of all the
20 witnesses. To your knowledge, have your attorneys
21 received payment for their services in this case
22 from you or anyone else?

23 A. They have not received payment from me.

24 Q. Okay. Do you know if they've received
25 payment from anyone else?

Page 57

1 A. I do not know.

2 Q. Okay. Okay. I'm going to take a quick
3 break and go over my notes here. If you guys can
4 give me, let's do the same thing we did last time.
5 You want to go 'til 11:05?

6 A. Okay.

7 Q. Great, thanks.

8 (Recess 10:57 to 11:05 a.m.)

9 (Defendant's Exhibit 3 marked)

10 BY MR. JACOUTOT:

11 Q. Mr. Davis, I've just introduced what I've
12 marked Exhibit 3. Can you pull that up for me and
13 let me know when you have it?

14 A. Yes, I have it up.

15 Q. Okay. And this is the ENET report from the
16 Secretary of State's office. Have you seen this
17 before?

18 A. Yes.

19 Q. Okay, great. Well, I don't have any
20 questions on it. Just wanted to introduce it into
21 the record and verify that you'd seen it.

22 MR. JACOUTOT: That, Mr. Ichter, is all I
23 have.

24 MR. ICHTER: Our questions are reserved.

25 Anybody else have any questions?

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1 MS. RINGER: No, sir.

2 MR. JACOUTOT: All right.

3 (Deposition concluded at 11:07 p.m.)

4 (Signature reserved.)

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1 VERITEXT LEGAL SOLUTIONS

2 FIRM CERTIFICATE AND DISCLOSURE

3

4 Veritext represents that the foregoing transcript as
5 produced by our Production Coordinators, Georgia
6 Certified Notaries, is a true, correct and complete
7 transcript of the colloquies, questions and answers
8 as submitted by the certified court reporter in this
9 case. Veritext further represents that the attached
10 exhibits, if any, are a true, correct and complete
11 copy as submitted by the certified reporter,
12 attorneys or witness in this case; and that the
13 exhibits were handled and produced exclusively
14 through our Production Coordinators, Georgia
15 Certified Notaries. Copies of notarized production
16 certificates related to this proceeding are
17 available upon request to litsup-ga@veritext.com.

18

19 Veritext is not taking this deposition under any
20 relationship that is prohibited by OCGA 15-14-37(a)
21 and (b). Case-specific discounts are automatically
22 applied to all parties, at such time as any party
23 receives a discount. Ancillary services such as
24 calendar and financial reports are available to all
25 parties upon request.

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1 CERTIFICATE

2 STATE OF GEORGIA:
3 COUNTY OF FULTON:

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8
I hereby certify that the foregoing
transcript was taken down, as stated in the caption,
and the colloquies, questions and answers were
reduced to typewriting under my direction; that the
transcript is a true and correct record of the
evidence given upon said proceeding.

9
10
I further certify that I am not a relative
or employee or attorney of any party, nor am I
financially interested in the outcome of this
action.

11
12
I have no relationship of interest in this
matter which would disqualify me from maintaining my
obligation of impartiality in compliance with the
Code of Professional Ethics.

13
14
I have no direct contract with any party in
this action and my compensation is based solely on
the terms of my subcontractor agreement.

15
16
Nothing in the arrangements made for this
proceeding impacts my absolute commitment to serve
all parties as an impartial officer of the court.

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25
This t—



LaRita J. Cormier, RPR, CCR No. 2578

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1 To: Cary Ichter, Esquire
2 Re: Signature of Deponent Ricardo Davis
3 Date Errata due back at our offices: 30 Days
4

5 Greetings:

6 The deponent has reserved the right to read and
7 sign. Please have the deponent review the attached
8 PDF transcript, noting any changes or corrections on
the attached PDF Errata. The deponent may fill out
the Errata electronically or print and fill out
manually.

9
10 Once the Errata is signed by the deponent and
11 notarized, please mail it to the office of Veritext
(below).

12 When the signed Errata is returned to us, we will
13 seal and forward to the taking attorney to file with
the original transcript. We will also send copies
14 of the Errata to all ordering parties.

15 If the signed Errata is not returned within the time
16 above, the original transcript may be filed with the
court without the signature of the deponent.

17
18 Please send completed Errata to:
19

20 Veritext Production Facility

21 20 Mansell Court

22 Suite 300

23 Roswell, GA 30076

24 (770) 343-9696
25

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1 ERRATA

2 I, the undersigned, do hereby certify that I have
3 read the transcript of my testimony and that

4 ____ There are no changes noted.

5 ____ The following changes are noted:

6 Pursuant to Rule 30(7)(e) of the Federal Rules of
7 Civil Procedure and/or OCGA 9-11-30(e), any changes
8 in form or substance which you desire to make to
9 your testimony shall be entered upon the deposition
with a statement of the reasons given for making
them. To assist you in making any such corrections,
please use the form below. If additional pages are
necessary, please furnish same and attach.

10 Page ____ Line ____ Change _____

11 Reason for change _____

12 Page ____ Line ____ Change _____

13 Reason for change _____

14 Page ____ Line ____ Change _____

15 Reason for change _____

16 Page ____ Line ____ Change _____

17 Reason for change _____

18 Page ____ Line ____ Change _____

19 Reason for change _____

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1 Page ____ Line ____ Change _____

2 _____

3 Reason for change _____

4 Page ____ Line ____ Change _____

5 _____

6 Reason for change _____

7 Page ____ Line ____ Change _____

8 _____

9 Reason for change _____

10 Page ____ Line ____ Change _____

11 _____

12 Reason for change _____

13 Page ____ Line ____ Change _____

14 _____

15 Reason for change _____

16 Page ____ Line ____ Change _____

17 _____

18 Reason for change _____

19 _____

20 DEPONENT'S SIGNATURE

21 Sworn to and subscribed before me this ____ day of

22 _____, _____.
23 _____

24 NOTARY PUBLIC

25 My Commission Expires: _____

[& - application]

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